

## **REMARKS**

### **Status of the Claims**

Claims 7 and 8 are currently pending in the application. Claims 4-7 stand rejected. Claim 7 has been amended as set forth herein. Claims 4-6 have been cancelled herein. All amendments and cancellations are made without prejudice or disclaimer. New claim 8 has been added herein. No new matter has been added by way of the present amendments. Specifically, the amendment to claim 7 is to change dependency to claim 8. New claim 8 is supported throughout the specification, but particularly at, for instance, as-filed claims 4-6. Reconsideration is respectfully requested.

### **Rejections Under 35 U.S.C. § 102(b)**

#### **Davis et al., U.S. Patent No. 5,350,423**

Claims 4-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Davis et al., U.S. Patent No. 5,350,423 (hereinafter referred to as "Davis et al."). (*See*, Office Action of April 24, 2006, at page 2, hereinafter "Office Action"). Claims 4-6 have been cancelled herein without prejudice or disclaimer, thus obviating the rejection as to claims 4-6. Applicants traverse the rejection as to the remaining claims set forth herein.

The Examiner states that Davis et al. disclose a processing method for an indigo-dyed fabric, wherein the method comprises applying an aqueous nitrate solution and heating and drying the fabric in a tenter oven at 300 °F. (*Id.*).

Davis et al. disclose a "nitrate in pad bath concentrations ranging from 0.5 to 6.0%, preferably about 1.7 to 2%, the equivalent of 17 to 20 grams per liter." (*See*, Davis et al., at

column 6, lines 50-53). In contrast, the presently claimed invention, as recited in claim 8, comprises a method wherein the cloth is coated with an aqueous solution comprising zinc nitrate and/or ammonium nitrate at a concentration of from 63 g/L to 200 g/L. Davis et al. do not disclose this range of concentration nor the use specifically of only these two kinds of aqueous nitrates in the solution applied to the indigo-dyed cloth.

The lower limit of the content of zinc nitrate and ammonium nitrate in the aqueous solution is based on the aqueous solution containing zinc nitrate hexahydrate having a concentration of 100 g/L. (See, Example 1 of the present specification). That is, because  $\text{Zn}(\text{NO}_3)_2 / (\text{Zn}(\text{NO}_3)_2 + 6\text{H}_2\text{O}) = 63.68\%$ , an aqueous solution containing zinc nitrate hexahydrate having a concentration of 100 g/L corresponds to the aqueous solution containing zinc nitrate having a concentration of 63.6 g/L. Similarly, an aqueous solution containing zinc nitrate hexahydrate having a concentration of 150 g/L corresponds to the aqueous solution containing zinc nitrate having a concentration of 95.5 g/L.

Furthermore, Davis et al. disclose immersing the cloth in a solution of zinc nitrate. (See, Davis et al., at column 6, lines 1-15). In contrast, the presently claimed invention comprises coating an indigo-dyed cloth with an aqueous solution of one or more of zinc nitrate and ammonium nitrate at an amount of from 100 to 180 g/m<sup>2</sup>. Thus, the amount of the aqueous solution required for the method can be reduced, thereby avoiding any reduction in cloth strength. (See, specification, at page 9, lines 2-8).

Additionally, Davis et al. disclose using an abrading process that is performed after heating the cloth. (See, Davis et al., at column 7, lines 19-29, claim 1). However, the presently claimed method provides an indigo-dyed cloth having a vintage color which will last for a long

time and is less susceptible to disappearance even after washing. (*See*, specification, at page 4, lines 17-24).

Thus, Davis et al. cannot anticipate the presently claimed invention because Davis et al. do not disclose each and every element of the presently claimed invention, as recited in claims 7 and 8.

Reconsideration and withdrawal of the anticipation rejection of claim 7 is respectfully requested.

Kouritsu, JP 11-200261

Claims 4, 5 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kouritsu, JP 11-200261 (hereinafter referred to as "Kouritsu"). (*See*, Office Action, at page 2). Claims 4 and 5 have been cancelled herein without prejudice or disclaimer, thus obviating the rejection as to claims 4 and 5. Applicants traverse the rejection as to the remaining claims as set forth herein.

The Examiner states that Kouritsu discloses application of nitric acid to a cotton product at between 70 °C and 100 °C. (*See*, Kouritsu, at paragraph 4, according to the corresponding International Application PCT/JP2002/00551).

Kouritsu discloses the use of nitric acid, not zinc nitrate and/or ammonium nitrate, as claimed in the present method. Thus, the cloth produced by Kouritsu is distinguishable from the cloth produced by the presently claimed invention because the process used in the presently claimed invention uses a different chemical compound, zinc nitrate and/or ammonium nitrate.

This difference in process avoids any reduction in cloth strength, thereby producing a stronger cloth. Therefore, Kouritsu does not anticipate the presently claimed method.

Reconsideration and withdrawal of the anticipation rejection of claim 7 is respectfully requested.

Kogyo, JP 54-055679

Claims 4, 5 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kogyo, JP 54-055679 (hereinafter referred to as "Kogyo"). (*See*, Office Action, at page 2). Claims 4 and 5 have been cancelled herein without prejudice or disclaimer, thus obviating the rejection as to claims 4 and 5. Applicants traverse the rejection as to the remaining claims set forth herein.

The Examiner states that Kogyo discloses use of a copper or nickel nitrate salt applied to jean products dyed with indigo, after which the jeans are dried and heated. However, Kogyo, as admitted by the Examiner, does not disclose use of zinc nitrate and/or ammonium nitrate, as claimed in the present method. Thus, Kogyo does not disclose each and every element of the presently claimed invention and Kogyo does not anticipate the presently claimed method.

Reconsideration and withdrawal of the anticipation rejection of claim 7 is respectfully requested.

**CONCLUSION**

If the Examiner has any questions or comments, please contact Thomas J. Siepmann, Ph.D., Registration No 57,374 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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